

REMARKS

Claims 1-43 were presented for examination and are still pending in this application. In an Office Action dated December 10, 2003, claims 1-28 and 30-43 were rejected and claim 29 was objected to. Claims 2, 9, 11-12, 15-19, 23-25, 27, 29-35, and 41-43 are herein amended solely for the purpose of readability (*i.e.*, adding term "and" after next to last elements). Claims 44-45 are herein added. Such amended and new claims add no new matter and not narrowing amendments for the purposes of patentability. Applicants thank Examiner for examination of the claims, for his indication that claim 29 contains allowable subject matter, and the subsequent interview of March 9, 2004. Applicants now request reconsideration in light of the below remarks and allowance of claims 1-45.

In paragraph 2, Examiner rejected claims 1-5, 8-20, 23-28, 30, 33, 34, and 39-43 under 35 U.S.C. §102(e) as being anticipated by Gleichauf *et al.* (U.S. Patent No. 6,324,656). During the interview, Applicants' representative argued that Gleichauf *et al.* fails to disclose, for example, identifying a version and patch level of an operating system or service as recited in claim 1, or sending a third set of packets based on a received second set of packets as recited in claim 2. Examiner and Applicants' representative reached agreement that the rejection based on Gleichauf *et al.* should be removed. Applicants submit that no new search is necessary since claims have not been substantively amended. In addition, independent claims 13, 19, 26, 30, 33, 34, 39, 42, 43, related dependent claims, and new independent claims 44-45 contain similar limitations. Therefore, Applicant respectfully submits that claims 1-5, 8-20, 23-28, 30, 33, 34, and 39-45, are in condition for allowance.

In paragraph 5, Examiner rejected dependent claims 6 and 22 under 35 U.S.C. §103(a) as being anticipated by Gleichauf *et al.* in view of Drake (U.S. Patent No. 6,006,328); in paragraph 6, Examiner rejected claims 7 and 21 under U.S.C. §103(a) as being anticipated by Gleichauf *et al.* in view of Hornbuckle (U.S. Patent No. 5,388,211); and in paragraph 7, Examiner rejected claim 37 under U.S.C. §103(a) as being anticipated by Gleichauf *et al.* in view of Hill *et al.* (U.S. Patent No. 6,088,844). Since Gleichauf *et al.* has been removed, and dependent claims 6, 7, 21, 22, and 37 stem from

patentable base claims, Applicant respectfully submits these claims are also in condition for allowance.

In paragraph 3, Examiner rejected claims 31, 35, 36, and 38 under 35 U.S.C. §102(e) as being anticipated by Hill *et al.* Applicants respectfully traverse this rejection.

Claim 31 is directed to a method of examining a network by, in part, sending packets to and receiving packets from a network. Information in the received packets is used to identify a trojan application on the network. Advantageously, the network can be remotely profiled by characteristics gleaned from information in response packets.

Hill *et al.* is directed to a localized security system to detect attack signatures. More specifically, security system 20 includes security agents 36 that detect security events 50 at associated computer nodes 24. See Abstract; Fig. 1. Also, attacks are mitigated using a list of recommended actions 112 most closely resembling an attack signature 94.

However, Hill *et al.* fails to suggest or disclose the present invention as described in claim 31. Whereas claim 31 triages the trojan application with network packets, Hill *et al.* is alerted to security events by a locally-based security agent. Thus, these security agents must be installed on the network at a server or other host and updated according to updates in the network configuration. Moreover, claim 31 uses information in responsive data packets, allowing the trojan to be identified by the host's characteristics rather than a direct attack signature as in Hill *et al.* Because Hill *et al.* does not suggest or disclose patentable features of claim 31, Applicant submits that the rejection is traversed. Also, claims 35, 36, and 38 recite limitations similar to those of claim 31. Therefore, Applicants respectfully submit that claims 31, 35, 36, and 38 are in condition for allowance.

CONCLUSION

In sum, Applicants respectfully submit that 1-45, as presented herein, are patentably distinguishable over cited references and other references of record. Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicant respectfully invites Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
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